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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,339

11/07/2003

Daniel Thomas Jones

1-24874

1978

4859

7590

09/07/2006

MACMILLAN SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA FIFTH FLOOR  
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TOLEDO, OH 43604-1619

EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/692,339

Applicant(s)

JONES, DANIEL THOMAS

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8 and 18-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "engaged with the layer of fibrous reinforcement material" in claims 1 and 18 and the recitation "relative to the layer of fibrous reinforcement material" in claim 1 are deemed new matter. The specification only has support for what is on page 3, lines 23-26. Specifically, Applicant has support for the layers being "conjoined". Therefore, Applicant has support for the layers being "conjoined" and not "engaged", which has different scope of

meaning. The Examiner is unable to find support for these new limitations in the specification. The specification, as originally filed, does not provide support for the invention as is now claimed.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 and 18-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "relative to the layer of fibrous reinforcement material" in claim 1 is deemed vague and indefinite. It is not clearly understood. It appears Applicant is trying to set up the relationship between the two layers without actually specifying the relationship. It appears that the recitation is being redundant. Clarification is requested.

Claim 18 recites the limitation "the layer of *fibrous* reinforcement material," in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. Applicant has support for "a layer of a reinforcement material" not "a layer of *fibrous* reinforcement material". Applicant must maintain the same terminology for continuity. Is this a typo, since that language is in claim 1 and not in claim 18, or is this a different layer than the reinforcement layer in line 2 of the claim? Clarification is requested.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1772

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18-20 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ness et al. (WO 00/27632).

Ness et al. disclose a multi-layered molding material comprising a layer of a fibrous reinforcement material (*Fig. 1, layers 3 and/or 4*), and a layer of a resin material (*Fig. 1, layer 2*) engaged with the layer of fibrous reinforcement material (*see page 3, lines 21-24 and page 8, lines 3-4*), wherein the resin material includes a venting structure to allow gases to pass out of the molding material via the reinforcement layer during processing (*see page 15, lines 8-22*). Regarding claim 19, the reinforcement layer comprises a further venting structure for allowing gases to pass out of the molding material via the reinforcement layer during processing (*see page 4, lines 19-24 and see page 15, lines 8-22*). Regarding claim 20, note the further venting structure is formed by the reinforcement material (*see page 4, lines 19-24*). Regarding claim 23, the reinforcement material is conjoined to the surface of the resin material (*see page 3, lines 14-15*). Regarding claim 24, the reinforcement material is held in place by the inherent tack of the resin material (*see page 3, lines 21-24*). Regarding claim 25, the reinforcement material is unimpregnated by the resin material or at least partially unimpregnated by the resin material to allow gases to pass out of the molding material (*see page 3, lines 23-24*).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1772

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness et al. (WO 00/27632) in view of Rolston (US 4,238,437).

Regarding claims 1, 4, 5, 6, 21 and 22, Ness et al. disclose a multi-layered molding material comprising a layer of a fibrous reinforcement material (*Fig. 1, layers 3 and/or 4*) and a layer of a reinforcement resin material (*Fig. 1, layer 2*) engaged with the layer of fibrous reinforcement material (*see page 3, lines 21-24 and page 8, lines 3-4*), the layer of reinforcement resin material having an inherent tack that holds the fibrous reinforcement material in place relative to the layer of fibrous reinforcement material (*see page 3, lines 21-24*), the reinforcement material being at least partially dry with respect to the reinforcement resin (*see page 4, lines 12-14*).

Although Ness et al. teach the reinforcement resin material having a venting structure (*see page 15, lines 17-22*), Ness et al. fail to teach the venting structure having venting channels. Additionally, Ness et al. fail to teach the resin layer being discontinuous, thereby forming the venting structure.

Rolston teaches a fiber reinforced product having a resin layer including venting channels and being discontinuous (*Fig. 3, layer 52, and see col. 4, lines 18-19 and 25-28*) for the purpose of facilitating the evacuation of air from the mold and providing escape for any air dissolved in the resin entering the mold (*see col. 1, lines 60-62*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the resin layer in Ness et al. to have venting

Art Unit: 1772

channels and be discontinuous as suggested by Rolston in order to facilitate the evacuation of air from the mold and provide escape for any air dissolved in the resin entering the mold (*see col. 1, lines 60-62*).

Regarding claim 2, the reinforcement layer in Ness et al. comprises a further venting structure for allowing gases to pass out of the molding material via the reinforcement layer during processing (*see page 4, lines 19-24 and see page 15, lines 8-22*). Regarding claim 3, note in Ness et al. the further venting structure is formed by the reinforcement material (*see page 4, lines 19-24*). Regarding claim 7, the reinforcement material in Ness et al. is unimpregnated by the resin material or is at least partially unimpregnated by the resin material to allow gases to pass out of the molding material (*see page 3, lines 23-24*). Regarding claim 8, the reinforcement material in Ness et al. comprises a unidirectional reinforcement material (*see page 7, lines 27-28*).

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-8 and 18-25 have been considered but are moot in view of the new grounds of rejection. It is to be pointed out that the Rolston reference is no longer being relied upon, since the claims have been amended to recite the new limitation "engaged with the layer of fibrous reinforcement material", which is not disclosed in the Rolston reference.


***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501.

The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Catherine A. Simone  
Examiner  
Art Unit 1772  
August 30, 2006

  
ALICIA CHEVALIER  
PRIMARY EXAMINER